



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खण्ड 23]

शिमला, जूनिअर, 24 मई, 1975/3 ज्येष्ठ, 1897

[संख्या 21

विषय-सूची		
भाग 1	वैधानिक निबन्धों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि	502—508
भाग 2	वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि	509—510
भाग 3	अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेन्शियल कमिश्नर तथा कमिश्नर आफ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि	—
भाग 4	स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत विभाग	—
भाग 5	वैयक्तिक अधिसूचनाएं और विज्ञापन	511—513
भाग 6	भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन	—
भाग 7	भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं	513—523
—	अनुपूरक	—

24 मई, 1975/3 ज्येष्ठ, 1897 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'असाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. 3-35/72-GAC (A), dated the 15th May, 1975.	General Administration Department.	Creation of a Sub-Tehsil in the Tehsil and District Una to be known as Bangana Sub-Tehsil.
No. 3-35/72-GAC (B), dated the 15th May, 1975.	-do-	Formation of a Sub-District to be known as Bangana Sub-District, within the District of Una.
No. 22-3/69-Tpt. (I), dated the 20th May, 1975.	Transport Department	Directions to the State Transport Authority of Himachal Pradesh regarding fixation of fare and freight rates for the stage carriages in the areas of Himachal Pradesh as existed before 1-11-1966.
No. 22-3/69-Tpt. (II), dated the 20th May, 1975.	-do-	-do-
नं० एच० एम० आर० 2-73-यंच, दिनांक 14 मई, 1975।	कार्यालय, जिलाधीश, हमीरपुर	in the areas added to Himachal Pradesh on 1-11-1966.
No. 7-19/78-Elec., dated the 22nd May, 1975.	Election Department	ग्राम पंचायत टीका चौकी में उपनिर्वाचित हुए प्रधान/उपप्रधान के नामों की अधिसूचना।
		Extension of date of completion of Election in respect of all the Constituencies (Wards) of Kanswala Parnoo Gram Sabha in Solan district.

भाग 1—बैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाईकोर्ट द्वारा अधिसूचनाएं इत्यादि

हिमाचल प्रदेश सरकार PUBLIC WORKS DEPARTMENT NOTIFICATIONS

Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for*. It is hereby notified that land in the locality described below is likely to be acquired for the said* purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector of Land Acquisition, Mandi and Kulu districts, H.P. P.W.D., Mandi.

*Construction of Patrighat-Trefalghat road

No. 9-9/73-PW (B)/75.

Simla-171002 the 26th March, 1975.

SPECIFICATION

District: MANDI

Tehsil: SARKAGHAT

Village 1	Khasra No. 2	Area		
		H. 3	H. 4	G. 5
NAHRLA	542/1	0	0	40
	543/1	0	0	30
	548/1	0	0	82
	558/1	0	2	30
	520/1	0	5	17
	522/1	0	2	45
	540/1	0	0	86
	541/1	0	1	37
	551/1	0	1	12
	527/1	0	4	60
	531/1	0	3	60
	525/1	0	4	60
	549/1	0	2	11
	550/1	0	0	10
	537/1	0	0	91
	523/1	0	4	55
	552/1	0	1	60
	553/1	0	1	50
	557/1	0	0	44
	538/1	0	2	27
	539/1	0	0	46
Total Kitta	21	0	41	53

No. 9-9/73-PW (B)/75.
Simla-171002, the 26th March, 1975.

KASMALI	97	0	0	08
	103/1	0	4	86
	101	0	0	50
	102	0	0	50
	18/1	0	0	50
	19/1	0	1	72
	36/1	0	1	67
	36/2	0	0	06
	99/2	0	2	90
	250/2	0	1	95
	39/1	0	1	08
	100	0	1	65
	248/1	0	1	98
	21/1	0	1	33
	20	0	2	74
	46/1	0	0	07
	37	0	8	57
	23/1	0	0	48
	42/1	0	0	96
	105/1	0	1	17
	249/3	0	4	44
	332/1	0	0	25
	38/1	0	3	40
	44/1	0	0	52
	98/1	0	0	77
	247/1	0	0	20
	284/1	0	9	94
	272/1	0	3	60
	371/1	0	1	20
	370/1	0	1	14
	92/1	0	0	14
	92/2	0	0	92
	96/1	0	0	40
	96/2	0	0	18
	47/1	0	3	58
	45	0	0	66
	233/1	0	2	20
	335/1	0	2	87
	378/1	0	5	51
Total Kitta	39	0	79	49

No. 9-9/73-PW (B)/75.

Simla-171002, the 26th March, 1975.

MAJHAT	587/1	0	0	39
	590/1	0	1	41
	589/1	0	2	56
	607/1	0	1	96
	704/1	0	2	52
	703/1	0	2	55
	592/1	0	9	42
	586/1	0	0	30
	588	0	2	00
	702/1	0	8	40
	689/1	0	8	20
	707/1	0	5	75
	708/1	0	0	82
	846/1	0	3	38
Total Kitta	14	0	49	66

1	2	3	4	5
No. 9-9/73-PW (B)/75.				
Simla-171002, the 26th March, 1975.				
CHAMRANI	1290/1	0	1	01
	1292/1	0	0	55
	1292/2	0	1	00
	1291/1	0	2	61
	1293	0	5	21
	1294/1	0	2	89
	1289/1	0	1	19
	1289/2	0	0	15
	1270/1	0	0	14
	1269/1	0	1	08
Total	..	0	15	83

No. 9-9/73-PW (B)/75.				
Simla-2, the 29th March, 1975.				
CHOUK	581/1	0	1	38
	585/1	0	2	60
	585/2	0	1	87
	476/1	0	1	50
	481/1	0	0	70
	477/1	0	0	90
Total Kiuta	6	0	8	95

By order,
GANGESH MISRA,
Secretary.

Simla-171002, the 29th March, 1975

No. 1-143/74-PWA.—Shri S. S. Juneja, Executive Engineer (National Highways), Himachal Pradesh Public Works Department, is transferred and posted as Engineer Officer (South), H. P. P. W. D., Simla, vice Shri S. M. Bhagchandani, since promoted *w. e. f.* 20th August 1974 (A.N.) to 9th March, 1975 or till Shri S. C. Kapoor, Executive Engineer, transferred and posted as Engineer Officer (South) joins, whichever is earlier.

S. S. Juneja, will however hold the charge of the Executive Engineer (National Highways) during the above period in addition to his duties as Engineer Officer to Chief Engineer (South).

Shri Juneja will automatically stand transferred and posted as Executive Engineer (National Highways) *w. e. f.* the date Shri S. C. Kapoor takes over as Engineer Officer.

Simla-171002, the 29th March, 1975

No. 1-25/69-PW-A.—Shri Mohinder Singh, Assistant Engineer, Irrigation Sub-Division, Una, will take over charge of Flood Control Sub-Division, Una from Shri D. R. Wadhwa, who is retiring on 31-3-1975.

The charge of Flood Control Sub-Division, Una will be held by Shri Mohinder Singh in addition to his own duties till further orders without any extra remuneration.

Simla-171002, the 1st April, 1975

No. 1-98/70-PW 'A'.—The following postings and transfers of the Executive Engineers, H.P. P.W.D., are ordered with immediate effect in the public interest:—

Sl. No.	Name	From	To
(1)	Shri N. C. Trehan	On repatriation from H. P. University.	National Highway Division Simla, vice Shri Varinder Kapur.
(2)	Shri Varinder Kapur.	National Highway Division, Simla.	Bilaspur Division No. I, vice Shri Y. R. Kashyap.
(3)	Shri Y. R. Kashyap.	Bilaspur Division No. I.	Nurpur Division, against the existing vacancy.
(4)	Shri B. P. Singh	Hamirpur Division.	Irrigation Division Dharamsala, vice Shri S. C. Kapoor, since transferred.

All the officers will be entitled to usual T. T. A. and Joining time as admissible under the rules and will move simultaneously after handing-over the charge of the Senior Assistant Engineer, available at the headquarters.

It is further ordered that charge of the B. & R. Division, Hamirpur, will be held by Shri Y. P. Sharma, Executive Engineer, Public Health Division, Hamirpur, in addition to his own duties till further orders, without any extra remuneration.

GANGESH MISRA,
Secretary.

Simla-171002, the 18th April, 1975

No. 2-36/70-PW(B).—Notification of even No., dated 30-9-74/1-10-74 issued under section 6 & 7 of the Land Acquisition Act of 1894 is hereby cancelled.

By order,
GANGESH MISRA,
Secretary.

Simla-171002, the 18th April, 1975

No. 1-69/73-PWA.—The Governor, Himachal Pradesh, is pleased to accord *ex-post-facto* sanction for extending the deputation (foreign service) period of Shri M. L. Bansal, Superintending Engineer, Himachal Pradesh Public Works Department for a further period of one year *w. e. f.* 15th November, 1974 on the usual terms and conditions as contained in this department Memo. of even number, dated the 12th June, 1974.

GANGESH MISRA,
Secretary.

Simla-171002, the 18th April, 1975

No. 9-13/73-PW(B)/75.—Whereas it appears to the Governor, Himachal Pradesh that the land is likely to be acquired to be taken by Government at public expense for a public purpose, namely for the construction of Sidhbari-Mataur road km 1 to 5 in Kangra district, it is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provision of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with the servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of any land in the locality may, within 30 days of the publication of the notification, file an objection in writing before the Land Acquisition Collector, Himachal Pradesh Public Works Department.

SPECIFICATION

District: KANGRA Tehsil: KANGRA

Village	Tikka	Area Km.
1	2	3
GHANYARA	SIDHPUR	19 8
GARHKHAS	GARH	40 10
SUKAR	SUKAR UPRELA	26 18
SUKARKHAS	SUKAR	71 19
Total ...		158 15

Simla-171002, the 18th April, 1975

No. 2-32/70-PW (B).—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of National Highway No. 21, it is hereby declared that the land described in the specification below is required for the above purpose.

2. The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh Public Works Department is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Mandi & Kulu districts, Mandi.

SPECIFICATION

District: MANDI Tehsil: SADAR

Village	Khasra No.	Area Big. Bis. Bisw.
1	2	3 4 5
TAKOLI	424/3	0 1 5
	424/2	0 1 2
	424/1	0 1 8
	427/1	0 1 7
	428/1	0 1 8

1	2	3	4	5
	740/1	1	2	4
	425/1	0	3	10
	667/1	0	2	5
	667/2	0	6	5
	771/1	0	1	10
	732/1	0	5	16
	687/3/1	0	9	18
	687/2/1	0	0	5
	687/1/1	0	3	5
	687/1/3	0	0	10
	828/1	0	3	4
	694	0	7	17
	714/1	0	5	4
	663/1	0	3	6
	663/2	0	0	4
	672	0	1	16
	677/1	0	1	18
	696/1	0	0	8
	713/1	0	8	4
	426/1	0	3	12
	954/674/1	0	0	10
	953/674/2	0	1	18
	956/676/1/1	0	0	16
	956/676/1/2	0	1	3
	957/676/2/1	0	1	0
	957/676/2/3	0	1	18
	739/1	0	5	18
	784/2	0	1	10
	784/1	0	0	12
	787/1	0	1	8
	787/2	0	0	14
	421	0	6	10
	821/1/1	0	1	15
	782/1	0	0	6
	774/1	0	8	16
	776/1	0	3	0
	615	0	11	8
	617	0	1	8
	625/1	0	3	16
	665	0	11	1
	697/1	0	1	7
	702/1	0	6	0
	688/1	0	1	3
	688/2	0	2	16
	689	0	2	16
	733/1	0	5	13
	712/1	0	10	1
	664/1	0	1	7
	613/1	0	0	11
	783/1	0	7	17
	788/1/1	0	7	15
	788/1/2	0	1	2
	678/2/3/2/2/1	0	0	15
	678/2/2/1	0	1	10
	678/2/3/2/1/1	0	1	4
	678/3	0	1	0
	678/1	0	2	10
	678/2/1/1/1	0	1	8
	695/1	0	7	18
	614/1	0	4	14
	622/1	0	7	0
	618/1	0	6	7
	669/1	0	0	24
	669/2	0	1	10
	675	0	9	18
	671/1	0	13	7
	827/1	0	8	13
	837/1	0	5	15
	610/1	0	7	17
	632/1	0	4	6

1	2	3	4	5
	628	0	6	14
	611/1	1	0	13
	630/1	1	13	6
	840/1	0	3	18
Total	Kitta .. 79	18	1	18

By order,

GANGESH MISRA,
Secretary.

Simla-171002, the 18th April, 1975

No. 9-3/74-PW (B).—Whereas it appears to the Governor of Himachal Pradesh that land is likely to be required to be taken by Government at the public expense for a public purpose, namely for Final Location Survey for B. G. Rail Link connecting Nangal-Talwara, it is hereby notified that land in locality described below is likely to be required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen, to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of any land in the locality may, within 30 days of the publication of this notification, file an objection in writing before the Land Acquisition Collector, P.W.D., Una.

SPECIFICATION

District: UNA

Tehsil: UNA

Village 1	Area in acres 2
BASDHERA	982
BHOTLI	377
MEHATPUR	373
CHARATGARH	841
RAIPUR	727
JAKHERA	686
BADEHAR-ALIS-DEHALADI	2682
BADALA	2311
BAROLIAN	466
SUNEHRA	405
BARSARA	144
TABBA	1245
CHATARA	2290
BHQRALIAN	633
MALAHAT	774
UNA	708
ARNIAL	775
BASOLI	1814(1814)
LALSINGHI	1386
MADANPUR	1058

1	2
CHOLERA	547
KOTLA KALAN	783
RAMPUR	1131
RAISARI	701
KUTHAR KHURD	435
BASAL	3313
TIURI	709
PANOH	502
BHALORA	649
KANDHWAL	368
DHUSARA	1246
HAMBOLI	915
SALURI	726
SATOTHAR	707
DIARA	510
BAHERA	779
SERI	385
DILWAN	474
BAHERI	422
CHURU	687
TAKARLA	2293
NANDPUR	934
THATHAL	1403
KATHIARI	988
KATHOHAR KHURD	677
KATHOHAR-KALAN	702
BADAWAN	250
BIJAPUR	526
TALWAL	172
AMB	1657
KALRUHI	901
MUBARAKPUR	1568
ANDAURA	1847
KAD	324
BHANANJAL	2133
KUNERAN	932
NAKROH	1952
GONOPUR-BANEERA	1281
BADOH-ALIS-BHAZARKALI	1708
MAWAKHULA	1585
HARWAL	385
NANGAL JARIALAN	1686
AMBOHA	1450
CHELATE	1069
DAULATPUR	1258
DANGOH KHAS	2180
BABHER	728
MARWARI	2209
MADANGARH	357
PRITHIPUR	1422
MANDWARA	609
GANAUN	615
JOH	1607
SALOH	2181
SIKRI	153
TAKKA	1607

By order,
R. C. GUPTA,
Secretary.

Simla-2, the 19th April, 1975

No. 9-12/73-(PW)-B.—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely

for the construction of Nagaon-Beri road, it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector, Land Acquisition, U. S. Club, Simla-1.

SPECIFICATION

District : BILASPUR Tehsil : SADAR

Village	Khasra No.	Area	
		Big.	Bis.
KOTHI HARDI	18/1	0	15

CORRIGENDUM

Simla-171002, the 19th April, 1975

No 2/32-70-PW(B).—Please substitute the word "Jogindernagar" in place of "Sundernagar" appearing in line No. 4 para I after words "namely for", of this Department notification of even number, dated the 31st October, 1974 under section 4 of Land Acquisition Act of 1894 for the construction of Jogindernagar-Sarkaghat road.

By order,
GANGESH MISRA,
Secretary.

NOTIFICATION

Simla-171002, the 21st April, 1975

No. 1-80/73-PW 'A'.—In partial modification of this Government notification of even No., dated the 19th March, 1975 Shri D. R. Wadhwa, the then Assistant Engineer, Flood Control Sub-Division, Una, H. P., P.W.D., who stood retired from Government service with effect from 31st March, 1975 (A. N.) is allowed 3 months pay and allowances in lump-sum in lieu of 3 months' notice as required under F. R. 56(j).

GANGESH MISRA,
Secretary.

REVENUE DEPARTMENT

NOTIFICATIONS

Simla-2, the 24/29th March, 1975

No. 2-29/73-Rev. I.—In exercise of the powers vested in him under clause (c) of section 3 of the Land Acquisition Act, 1894, and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to empower the Land Acquisition Officer, Himachal Pradesh State Electricity Board to perform the functions of a Collector for the purposes of the said Act within the limits of the State of Himachal Pradesh, from the date he took over the charge of the post.

The powers already delegated under the said Act in favour of the Land Acquisition Officers attached to Public Works Department for disposing of the land acquisition works of H.P. State Electricity Board, are hereby withdrawn with immediate effect.

Simla-2, the 29th March, 1975

No. 1-8/68-Rev. I.—In exercise of the powers vested in him under sub-section (1) of section 93 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972 (Act No. 8 of 1974), and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to appoint all the Tehsildars in Himachal Pradesh, who have been conferred the powers of Assistant Collector First Grade *vide* this Government notification of even number and date, as the Land Reforms Officers for carrying out the purposes of Chapter IX of the aforesaid Act, within their respective jurisdiction, with immediate effect.

Simla-2, the 29th March, 1975

No. 1-8/68-Rev. I.—In exercise of the powers vested in him under sub-section (1) of section 86 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972 (Act No. 8 of 1974) and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to confer all the Tehsildars in Himachal Pradesh all the powers exercisable by an Assistant Collector of First Grade, for the purposes of Chapter IX of the aforesaid Act, within their respective jurisdiction, with immediate effect.

By order,
U. N. SHARMA,
Secretary.

Simla-171002, the 2nd April, 1975

No. 2-75/67-Rev. I.—The Financial Commissioner, Himachal Pradesh is pleased to allow Shri D. C. Chandel, Tehsildar, Solan, District Solan to cross the efficiency bar at the stage of Rs. 590 in the scale of Rs. 350-25-500-30-590/30-800 with effect from 1-1-76, raising his pay from Rs. 590 to Rs. 620 P.M.

By order,
SOHAN SINGH,
Deputy Secretary.

Simla-2, the 9th April, 1975

No. 2-29/73-Rev. I.—In exercise of the powers vested in him under clause (c) of section 3 of the Land Acquisition Act, 1894, and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to confer on the following officers, all the powers of a Collector under the said Act to be exercised by them with effect from the date of their taking over as Land Acquisition Officers, within the local limits of their respective jurisdictions as specified against each in the Schedule:—

THE SCHEDULE

Name of officer	Purpose	Area of jurisdiction
1. Shri R. L. Mehta, Land Acquisition Officer, Mandi and Kulu, at Mandi.	Acquisition of land for purposes of Himachal Pradesh Public Works Department.	Himachal Pradesh P.W.D. I and VI Circles, comprising whole Mandi and Lahaul & Spiti districts and Sub-Tehsil Banjar and Tehsil Kulu of Kulu district.
2. Shri B. C. Katoch, Land Acquisition Officer, Hamirpur.	-do-	Himachal Pradesh P.W.D. VIII Circle, comprising whole Hamirpur and Una districts.

Simla-2, the 11th April, 1975

No. 2-37/64-Rev. I.—In exercise of the powers vested in him under section 27 of the Punjab Land Revenue Act, 1887 and section 28 of the Himachal Pradesh Land Revenue Act, 1953, and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to confer the powers of Assistant Collector, Second Grade on Shri Balwant Rai Sharma, Tehsildar (Inspector of Registration-cum-Stamp Auditor) presently deputed for receiving revenue training in Simla district, to be exercised within the jurisdiction of Simla district, from the date he reported for the training.

Simla-2, the 21st April, 1975

No. 9-4/67-Rev. I(P).—In pursuance of provisions of section 16 of the Himachal Pradesh Holdings (Consolidation & Prevention of Fragmentation) Act, 1971 and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to cancel the declaration made under section 14(1) of the aforesaid Act in respect of village Chawar Chhan, Tehsil Amb, Haddbast No. 67 (Total area 1159 acres) issued by the Director, Consolidation of Holdings, Himachal Pradesh vide his notification No. PACO/2266, dated the 26th July, 1972.

Simla-2, the 23rd April, 1975

No. 2-27/73-Rev. I.—In exercise of the powers conferred by sub-clause (1) of section 9 of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953 (Act No. 15 of 1954), the Governor Himachal Pradesh, is pleased to appoint Shri Ravi Dhillon, Sub-Divisional Officer (Civil), Sundernagar, District Mandi, as Compensation Officer to carry out the purposes of the said Act including partitions operations in holdings, assessment of compensation and settlement of disputes between the landowners and their tenants, within the local limits of Sundernagar Sub-Division of Mandi district, from the date he took over the charge of the post.

Simla-2, the 23rd April, 1975

No. 2-27/73-Rev. I.—In exercise of the powers conferred by sub-section (1) of section 9 of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953 (Act No. 15 of 1954), the Governor, Himachal Pradesh, is pleased to appoint Shri S. S. Lath, General Assistant II to Deputy Commissioner, Mandi, as Compensation Officer to carry out the purposes of the said Act including partitions, operations in holdings, assessment of compensation and settlement of disputes between the landowners and their tenants, within the local limits of Mandi district, from the date he took over the charge of the post.

Simla-2, the 23rd April, 1975

No. 2-27/73-Rev. I.—In exercise of the powers vested in him under clause (b) of sub-section (1) of section 28 of the Himachal Pradesh Land Revenue Act, 1953 (Act No. 6 of 1954), and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to confer upon Shri N. K. Misra, General Assistant to Deputy Commissioner, Kinnaur, all the powers of an Assistant Collector, First Grade under the said Act to be exercised by him within the local limits of Kinnaur district, from the date he took over the charge of the post.

Simla-2, the 23rd April, 1975

No. 2-27/73-Rev. I.—In exercise of the powers vested in him under clause (b) of sub-section (1) of section 28 of the Himachal Pradesh Land Revenue Act, 1953 (Act No. 6 of 1954), and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to confer upon Shri S. S. Lath, General Assistant II to Deputy Commissioner, Mandi, all the powers of an Assistant Collector, First Grade under the said Act to be exercised by him within the local limits of Mandi

district, from the date he took over the charge of the post.

By order,
U. N. SHARMA,
Secretary.

Simla-2, the 23rd April, 1975

No. 2-27/73-Rev. I.—In exercise of the powers vested in him under clause (a) of section 2 of the Himachal Pradesh village Common Lands Vesting and Utilization Act, 1974 (Act No. 18 of 1974) and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to appoint Shri Paras Ram, General Assistant to Deputy Commissioner, Hamirpur, as Collector for the purposes of the said Act within the limits of Hamirpur district, with immediate effect.

CORRIGENDUM

Simla-2, the 23rd April, 1975

No. 2-27/73-Rev. I.—Please read “Chander Shamsher” for “Shamsher Singh” occurring at S. No. 2 in the Department notifications of even number dated the 18/20th November, 1974, issued under the following Acts:—

1. U/S 3(2) of the Punjab Restitution of Mortgaged Lands Act, 1938.
2. U/S 2(b) of the Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1952.
3. U/S 2(c) of the Punjab Abolition of Ala Malkiyat and Talukdari Rights Act, 1952.
4. U/S 105 (1)(a) of the Punjab Tenancy Act, 1887.
5. U/S 77(4)(b) of the Punjab Tenancy Act, 1887.
6. U/S 2(a) of the Punjab Village Common Lands (Regulation) Act, 1961.

By order,
L. HMINGLIANA TOCHHAWNG,
Secretary.

TRANSPORT DEPARTMENT

NOTIFICATIONS

Simla-2, the 26th/31st March, 1975

No. 2-27/74 Tpt.—In exercise of the powers conferred by section 14 (1) of the Road Transport Corporation Act, 1950, the Governor of Himachal Pradesh is pleased to appoint Shri M. M. Salhotra, Accounts Officer on deputation from the office of the Accountant General, Himachal Pradesh, Simla, as Chief Accounts Officer on the Himachal Road Transport Corporation, with effect from 19-10-1974 (A.N.), for a period of one year in the first instance

The terms and conditions of his deputation as Chief Accounts Officer of the said Corporation will be notified separately.

Simla-2, the 1st April, 1975

No. 2-22/69-Tpt.—In supersession of notification of even number dated the 28th October, 1974 and 19th December, 1974, the Governor, Himachal Pradesh is pleased to grant leave subject to title to Shri P.D. Abrol formerly Regional Manager on deputation with Himachal Road Transport Corporation, at Chamba Region, from 4-11-74 to 5-12-1974.

2. Shri P. D. Abrol will stand retired from Government service with effect from 5th December, 1974 (A.N.) in accordance with the notification of even number dated the 31st August, 1974.

OFFICE ORDER

Simla-2, the 4th April, 1975

No. 2-18/69-Tpt.—In partial modification of this Department notification No. 2-36/69-Tpt., dated the 7th November, 1973, the Governor, Himachal Pradesh is pleased to order that Shri Ajeet Kumar, will be considered to have been continuously holding the post of Deputy General Manager, H.G.T. for the period he remained on deputation with the H.P. Agro. Industries Corporation, i.e., w.e.f. 11-3-1974 to 10-11-1974.

NOTIFICATION

Simla-2, the 16th April, 1975

No. 4-3/74-Tpt.—The Governor, Himachal Pradesh is pleased to amend this Department notification of even number dated 1st October, 1974, as subsequently amended by notification of even number and date, so as to exclude from its Annexure the post of Legal-cum-Welfare Officer.

By order,
GANGESH MISRA,
Secretary.

CORRIGENDUM

Simla-171002, the 5th April, 1975

No. 3-40/75-LWP(Prisons).—Please read “Class II” for “Class III” appearing in this Department notification of even number, dated 19-3-1975.

R. C. GUPTA,
Secretary.

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि

PUBLIC WORKS DEPARTMENT

NOTIFICATIONS

Mandi, the 4th April, 1975

No. SEI-R-25-46/75-7103-06.—The draft notification under section 4 in respect of Village Bag for the construction of Kot-Devidhar road published vide this office letter No. SEI-R-25-46/69-16303-06, dated 5-6-69 for below-noted Khasra Nos. is hereby cancelled:

SPECIFICATION

District: MANDI Tehsil: CHACHIOT

Village 1	Khasra No. 2	Area Big. Bis. Bisw.		
		3	4	5
BAG	300	0	3	2
	303	0	4	3
	648	0	2	7
	926	0	1	10
	912	0	2	18
	910	0	1	13
	900	0	1	12
	709	0	1	6
	194	0	3	6
	196	0	3	2
	198	0	2	15
	195	0	1	1
	351	0	4	17
	708	0	2	16
	914	0	1	6
	684	0	5	6
	686	0	3	13
	918	0	1	4
	915	0	1	15
	1193	3	9	16
	1195	0	10	9
	124	4	2	10
	200	0	4	15
	671	0	4	5
	665	0	8	3
	1092	0	12	5
	277	0	2	12
	888	0	19	6
	197	0	3	18
	193	0	14	3
	349	0	2	0
	1196	0	5	11
	123	0	2	0
	707	0	2	4
	917	0	2	16
	924	0	2	4
	710	0	2	2
	301	0	1	14
	689	0	1	6
	670	0	2	8
	647	0	2	18
	916	0	1	11
	276	0	3	3
	302	0	2	2
	299	0	5	12
	348	0	2	4

1	2	3	4	5
	344	10	1	19
	913	0	3	11
	199	0	3	17
	345	0	2	4
	275	0	1	7
	669	0	3	4
	901	0	1	2
	706	0	2	2
	920	0	1	15
	680	0	0	9
	691	0	0	8
	925	0	2	16
	1082	0	10	6
	1080	3	5	12
	192	0	6	4
	692	0	4	15
	1194	1	16	9
	1203	5	16	7
	350	0	8	3
	923	0	2	10
	688	0	0	12
	687	0	1	4
	885	0	4	14
	922	0	4	9
	668	0	7	11
	886	3	5	12
	352	0	5	12
	651	0	10	11
	646	0	1	0
	205	1	2	18
	117	1	2	3
	120	2	5	7
	190	1	4	12
	272	0	6	4
	907	0	2	11
	353	0	4	0
	903	0	4	0
	273	0	2	10
	695	0	2	4
	666	0	2	19
	921	0	3	9
	274	0	2	15
	696	0	2	2
	667	0	1	9
	685	0	3	8
	911	0	3	3
	906	0	0	18
	905	0	2	10
	908	0	2	2
Total	95	43	0	18

Mandi, the 4th April, 1975

No. SEI-R-25-46/75-7098-7102.—The notification under section 4 in respect of village Shihalishal for the construction of Kot-Devidhar road published vide this office letter No. SEI-R-25-46/75-76283-85, dated 25-6-69 for below-noted Khasra Nos. is hereby cancelled:

SPECIFICATION

District: MANDI Tehsil: CHACHIOT

Village 1	Khasra No. 2	Area		
		Big. 3	Bis. 4	Bisw. 5
SHIHALISHAL	40	0	4	17
	41	0	3	11
	46	2	1	16
Total ..	3	2	10	4

Mandi, the 4th April, 1975

No. SEI-R-25-45/75-7094-97.—The notification under section 4 in respect of Village Tuna for the construction of Kot-Devidhar road published *vide* this office letter No. SEI-R-25-45/69-16251-54, dated 25-6-69 for below-noted Khasra Nos. in hereby cancelled:

SPECIFICATION

District: MANDI Tehsil: CHACHIOT

Village 1	Khasra No. 2	Area		
		Big. 3	Bis. 4	Bisw. 5
TUNA	833	0	3	11
	673	0	3	1
	622	0	3	10
	656	0	1	16
	621	0	3	7
	604	0	5	17
	737	0	10	7
	670	0	6	9
	699	0	14	14
	648	0	2	1
	738	0	6	11
	730	0	4	5
	725	0	17	0
	623	0	3	7
	605	0	7	4
	644	0	1	10
	653	0	2	10
	617	0	3	12
	647	0	2	13
	729	0	3	2
	616	0	3	11
	652	0	4	4
	728	0	5	17
	643	0	4	10
	602	0	8	7

1

2

3

4

5

731

1

13

18

672

0

16

9

654

0

2

2

655

0

1

14

620

0

3

4

603

0

2

19

645

0

1

9

736

0

17

2

725/1

0

2

4

Total ..

34

11

13

17

Mandi, the 4th April, 1975

No. SEI-R-25-46/75-7111-14.—The notification under section 4 in respect of village Samnosh for the construction of Kot-Devidhar road published *vide* this office letter No. SEI-R-25-46/69-16247-50, dated 26-6-69 for below-noted khasra Nos. is hereby cancelled:

SPECIFICATION

District: MANDI Tehsil: CHACHIOT

Village 1	Khasra No. 2	Area		
		Big. 3	Bis. 4	Bisw. 5
SAMNOSH	327	0	15	19
	342	0	18	3
	351	0	10	8
	352	1	11	17
	344	0	5	5
	345	0	6	16
	540	0	12	2
	325	5	2	17
	561	1	6	4
	557	0	12	1
	558	1	6	6
	658	3	7	8
	670	4	15	9
	682	0	0	12
	563	1	0	8
	680	1	1	12
	657	3	7	16
	681	0	3	16
	684	1	6	18
	685	1	5	7
	409	2	10	6
	347	0	3	5
	410	1	1	0
	63	3	2	18
	60	1	7	6
	555	2	12	15
	64	2	12	15
	413/64	4	1	12
	413/1	0	1	2
Total ..	28	43	11	8

G. N. RAMASWAMIAH,
Superintending Engineer,
1st Circle, H.P. P.W.D., Mandi.

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेशल कमिशनर तथा कमिशनर आफ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि

शून्य

भाग 4—स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत विभाग

शून्य

भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन

In the Court of Shri N. S. Shandil, District Judge, Simla
Gr. WARDS ACT 3-S/2 OF 75

Smt. Shaila Saklani w/o Shri C. D. Saklani, Oneil Lodge, Cart road, Simla, natural Guardian of her son minor Sanjiv Saklani s/o C. D. Saklani, Oneil Lodge, Cart road, Simla.

Versus

General Public.

Smt. Shaila Saklani, petitioner has filed a petition under section 8 of the Hindu Minority and Guardianship Act, 1956 (Act No. 32 of 1956). By the natural Guardian in this court on 3-5-75 for the appointment of the Guardian of the minor Shri Sanjiv Saklani aged 15 years, r/o Oneil Lodge, Cart road, Simla.

Whereas the above noted application has been registered, notice is hereby given to the General Public, that if any well wisher and kinsman of the minor has any objection to the appointment of Guardian, he should file the same in this court on or before 31-5-75 failing which no objection shall be entertained.

Given under my hand and the seal of the court this 3rd May, 1975.

Seal.

N. S. SHANDIL,
District Judge, Simla.

In the Court of Shri N. S. Shandil, District Judge, Simla

S.A. 16-8/2 OF 1974

Shri Om Parkash Lakkan Pal s/o Pt. Jagat Ram Lakkanpal, r/o No. 102 Lower Bazar, Simla.

Versus

General Public.

Petition for Prohat of the Will of late Pt. Devi Chand s/o Pt. Vidya Dhar, Shri Om Parkash petitioner has filed a petition for Prohat in this court on 16-11-74 to 'prove the said Will and the Prohat thereof or letters of Administration to the property and credits of the said deceased Pt. Devi Chand who died 14th August, 1973, in the flat of Shop No. 101 Lower Bazar, Simla.

Whereas the above noted application has been registered, notice to the General Public, that if any well wisher and kinsman of the deceased has any objection to prove the said Will, sought by the

petitioner/applicant, he should file the same in this court on or before 24-6-75 failing which no objection shall be entertained.

Given under my hand and the seal of the court this 8th May, 1975.

Seal.

N. S. SHANDIL,
District Judge, Simla.

In the Court of Shri N. S. Shandil, District Judge, Simla

S.A. 15-S/2 OF 1974

Smt. Gokhali wd/o Shri Swaran Singh, r/o Willow's Hotel (Quarters), Simla.

Versus

General Public.

Application for the grant of a Succession Certificate under section 372 of the Indian Succession Act, 1925.

Smt. Gokhali petitioner has filed a petition u/s 372 of the Indian Succession Act, 1925 in this court on 16-11-74 for the grant of a Succession Certificate authorising him to realise the amounts of debts in respect of Shri Swarn Singh husband of Smt. Gokhali, petitioner, r/o Willow's Hotel (Quarters), Simla, who died on 13th June, 1974.

Whereas the above noted application has been registered, notice is hereby given to the General Public, that if any well wisher and Kirsman of the deceased has any objection to the grant of the succession certificate sought by the Petitioner/Applicant, he should file the same in this court on or before 23-6-75, failing which no objection shall be entertained.

Given under my hand and the seal of the court this day of 7th May, 1975.

Seal.

N. S. SHANDIL,
District Judge, Simla.

Before Shri M. C. Chauhan, Sub-Registrar, Theog,
District Simla, Himachal Pradesh

In the matter of Devi Ram s/o Kapuru, r/o village Shateyan, Tehsil Theog, District Simla ..Applicant.

Versus

General Public

...Respondent.

Whereas Shri Devi Ram s/o Shri Kapuru, r/o

village Shateyan, Pargana Khalashi, Tehsil Theog, District Simla has applied under section 40/41 of the Indian Registration Act for the registration of a "WILL" stated to have been executed in his favour by Shri Kapuru s/o Shri Rattan, r/o village Shateyan, Pargana Khalashi, Tehsil Theog, District Simla after the death of the Executant Shri Kapuru.

It is hereby notified for the information of the general public that if anybody has any objection with regard to the attestation of this "WILL" in the name of the above applicant he should prefer his objections in writing to me on 9-6-1975 at 1 P.M. in my office-cum-court room. After the expiry of the above no objections shall be entertained.

Given under my hand this 9th day of May, 1975.

M. C. CHAUHAN,
Sub-Registrar.

इस्ताहर जेर आर्डर 5, रूल 20, जाब्ता दिवानी

अदालत श्री एम० सी० चौहान साहिब एसिस्टेंट कुलैक्टर दर्जा दोगम ठियोग, जिला शिमला, हिमाचल प्रदेश

तस्दीक इन्तकाल नम्बर 58, मौजा बांदली, परगना पलाना, तहसील ठियोग, वाबत इखराजनामा, साध पुत्र खोग, साकिन बांदली, जेर फिकरा 7.25 लैंड रिकार्ड मंनुअल ।

बनाम:—साध पुत्र खोग, साकिन बांदली, गैर हाजिर व गैर काबिज तथा सर्वसाधारण ।

हर खास व आम को बजरिया इस्ताहर हजा सूचित किया जाता है कि साध उपरोक्त अरसा जायद अज 35 साल से मकफूद उलखवर है और इस अरसा में उसका कोई भी पत्र किसी सम्बन्धी को नहीं मिला जिससे प्रतीत होता है कि अब वह जिवित नहीं, और अदालत हजा को इस विषय पूर्ण विश्वास हो चुका है । अतः इन्तकाल नम्बर 58, मौजा बांदली वाबत इखराजनाम व वजा मकफूद उलखवरी साध उपरोक्त दर्ज कागजात माल हो कर बहक मना, करता पुत्र परसू एक भाग, राम दिया पुत्र दास एक भाग, हेत राम पुत्र गुसान्दू एक भाग तस्दीक होना है ।

अतः किसी को उपरोक्त इन्तकाल की तस्दीक में कोई उजर व एतराज हो तो वह असालतन व वकालतन इस कार्यालय में हाजिर आ कर अपने एतराज मिति 30-5-75 को पेश करें जिसके बाद कोई उजर काबले समाप्त न होगा ।

आज मिति 6-5-75 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

एम० सी० चौहान,
मोहर । एसिस्टेंट कुलैक्टर दर्जा दोगम ।

व अदालत जनाब श्री डी० सी० चन्देल, एसिस्टेंट कुलैक्टर अवल दर्जा सोलन

विषय:—मिसल तकसीम नं० 4/70 धनी राम s/o बालक राम,
(2) श्री चुहर सिंह s/o श्री बालक राम, वासी कामलर,
तहसील कण्डाघाट हाल सोलन ।

बनाम

सर्वश्री गुलाब सिंह, ख्याली राम s/o सुरत राम कालर, प्रेम सिंह Adopted son श्री दीप राम, ग्राम कालर, श्री तजीन्द्र कौर d/o सरदार गोविंद सिंह डावरी खाना गोविंदगढ़, तहसील वठीड़ा, श्री दयालीया s/o पलकिया, रामदासिया कालर, परगना भरोली खुर्द, (6) श्री बाला राम s/o गनेशु कनैत, ग्राम कामलर, (7) श्रीमती धर्मी बेवा सुरत राम ब्राह्मण, वासी कालर, (8) अनिल हरिशन, वासी चम्बाघाट, तहसील सोलन, (9) कृष्ण सिंह s/o ख्याली राम कनैत, वासी कालर, परगना भरोली खुर्द, (10) श्रीमती कृष्णी बेवा किरपा राम, वासी कामलर, परगना भरोली खुर्द (फरीक दोगम) ।

उपरोक्त मुकदमा में श्रीमती तेजीन्द्र कौर d/o सरदार गोविंद सिंह, वासी डावरी खाना गोविंदगढ़, तहसील वठीड़ा को कई बार समन जारी किये गए मगर तामील नहीं हो रही है अतः यह साबित हो चुका है कि श्रीमती तेजीन्द्र कौर की तामील साधारण तरीके पर नहीं हो सकती है ।

अतः बजरीया इस्ताहर जेर दफा 5, रूल 20, C. P. C. इत्तला दी जाती है कि मसूयल मजकूर मिति 29-5-75 को सुबह 10 बजे असालतन व वकालतन बरायें पैरवी मुकदमा हाजिर होवें । हाजिर न आने पर एक तरफा कार्यवाही अमल में लाई जावेगी ।

आज दस्तखत हमारे व मोहर अदालत से जारी हुआ ।

डी० सी० चन्देल,
एसिस्टेंट कुलैक्टर अवल दर्जा ।
मोहर ।

FORM No. 155

CREDITOR'S VOLUNTARY WINDING UP

Name of the Company:—The Himalaya Goods Carriers (P) Ltd., Simla.

NOTICE CONVENING FINAL MEETING

Notice is hereby given in pursuance of section 509 of the Companies Act, 1956 that a general meeting of the members and creditors of the above named company will be held at Nagina Singh House, The Mall, Simla on 30th June, 1975 at 10 A.M. for the purpose of having an account laid before them showing the manner in

which the winding up has been conducted and the property of the company disposed of and of hearing any explanation that may be given by the Liquidator and also determining by a resolution of the creditor, the manner in which the books, accounts and documents of the company and of the Liquidator shall be

disposed of.

Simla Dated: 20th May, 1975

PREM KUMAR KAPILA,
Voluntary Liquidator.

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

ग्रन्थ

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

GOVERNMENT OF HIMACHAL PRADESH

ELECTION DEPARTMENT

NOTIFICATION

Simla-2, the 10th April, 1975

No. 3-4/75-Elec.—The Election Commission of India's notification No. 82/HP-LA/2/72, dated the 18th March, 1975, containing the Judgment dated the 31st May, 1974 of the High Court of Himachal Pradesh in Election Petition No. 2 of 1972, is hereby published for general information.

By order,
U. N. SHARMA,
Chief Electoral Officer,
Himachal Pradesh.

ELECTION COMMISSION OF INDIA

NOTIFICATION

Nirvachan Sadan,
Ashok Road,

New Delhi-110001, the 18th March, 1975

No. 82/HP-LA/2/72.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Judgment dated 31st May, 1974, of the High Court of Himachal Pradesh in Election Petition No. 2 of 1972.

Copy of Judgment delivered on 31-5-1974 by the Hon'ble Mr. Justice Chet Ram Thakur, J. in Election Petition No. 2 of 1972, titled:—

Shrimati Kamla Devi, resident of village and P. O. Rajpur, Tehsil Palampur, District Kangra... Petitioner.

Versus

1. Shri Shanta Kumar, resident of Palampur, District Kangra.
2. Shri Man Chand son of Shri Punju Ram, resident of village Bhora, Tehsil Palampur, District Kangra.

Respondents.

COPY OF JUDGMENT

IN THE HIGH COURT OF HIMACHAL PRADESH AT SIMLA

For approval and Signature

The Hon'ble Mr. Justice ... CHET RAM THAKUR

1. Whether approved for reporting.
2. Whether there are remarks about the quality of the Judgment of the Court of Officer?

.....coram;

CHET RAM THAKUR, J.

During the general elections of 1972 to the Himachal Pradesh Legislative Assembly four persons filed their nomination papers from the 49-Khera Assembly Constituency of Tehsil Palampur. Three of them are the petitioner and the two respondents and the fourth was one Karam Chand. Respondent No. 2, viz. Man Chand, withdrew from the contest on the 11th February, 1972, which was the last date fixed for withdrawal of the nomination papers. It is alleged, by the petitioner, who was defeated at the poll by Shri Shanta Kumar by a margin of 1015 votes, that respondent No. 1 prevailed upon respondent No. 2 to withdraw his candidature on a promise to help him by not letting his land go to the tenants. Further the respondent No. 2, who was a Rajput by caste, was told that he should canvass and secure the Rajputs' votes in favour of respondent No. 2. According to the petitioner this was corrupt practice as envisaged under section 123 (1) of the Representation of People Act, 1951 (hereinafter called the Act). Thereafter the respondent No. 2 canvassed in favour of respondent No. 1 amongst the Rajput community. Further, it is contended by the petitioner that respondent No. 1 committed a corrupt practice inasmuch as he published the posters Annexures PA, PB, PD, PE, PG, PH, and PI. By the publication of these posters the respondent No. 1 tried to create enmity between two different factions and castes and regions which is a corrupt practice as envisaged under section 123 (3A) of the Act. It was further alleged that the respondent No. 1 was guilty of incurring expenditure in contravention of section 77 of the Act and which was a corrupt practice under section 123(6) of the Act. It was on these averments in the petition that the petitioner prayed for setting aside the election of respondent No. 1 as being void.

The respondent No. 1 denied the allegations of corrupt practices, as alleged.

These pleadings gave rise to the following issues in the case:—

- (1) Whether the respondent No. 1 has been guilty of corrupt practice of bribery under section 123 (1) of the Act, as enumerated in para 11 of the petition? (OPP.)
- (2) Is respondent No. 1 guilty of corrupt practice of incurring and authorising of expenditure in contravention of section 77 of the Act, as envisaged under section 123 (6) of the Act, as enumerated under para.13 of the petition. (OPP.)
- (3) Is respondent No. 1 guilty of creating enmity as is envisaged under section 123 (3A) of the Act, as enumerated under para 12 (c) and (e) to (h) of the petition? (OPP.)

Issue No. 1:

The allegations of corrupt practice are enumerated in para 11 of the petition. The allegation is that the respondent No. 2 had filed nomination papers as an independent candidate from 49 Khera Legislative Assembly Constituency. The respondent No. 1 had the apprehension that if respondent No. 2 contested he will get the votes of the illaqua. Therefore the respondent No. 1 wanted to get the respondent No. 2 withdrawn from the contest which was beneficial for him. That the respondent No. 2 was a close and intimate friend of the respondent No. 1. The respondent No. 1 on 11th February 1972 at about 1.30 P.M. compelled and forced the respondent No. 2 to withdraw from being a candidate at the election and if the respondent No. 2 withdraws his nomination paper the respondent No. 1 will see that his land does not go to the tenants and the respondent shall be at his back and call. This inducement by respondent No. 1 to respondent No. 2 caused the respondent No. 2 to withdraw his candidature on 11th February, 1972 at 2.40 P.M. and the promise is alleged to have been made in the presence of Sarvshri Madan Lal Kabutria and Santosh Kumar. Further that the respondent No. 1 induced the respondent No. 2 to withdraw in favour of respondent No. 1 because they belong to the same and adjacent illaqua and the respondent No. 2 was a Rajput by Caste and none of the other candidates belong to that caste as they were Brahmans and if respondent No. 2 withdraws then the whole of Rajput community will vote for respondent No. 1, as the respondent No. 2 will ask his community to vote for respondent No. 1 and he asked the respondent No. 2 to canvass in his community, that is amongst Rajput, to vote for respondent No. 1 as the petitioner was from Brahman community and this canvassing is alleged to have been made on 11th February 1972 at Palampur at about 11.00 A.M. in the presence of Sarvshri Hardyal Naital and Gokal Dass Bhatia. Again it had been alleged that respondent No. 1 asked the respondent No. 2 to create a feeling of casteism in favour of respondent No. 1 and against the petitioner for the furtherance of the prospects of the election of respondent No. 1 and thereby affecting prejudicially the election of the petitioner. On 16th February, 1972 at village Rajpur, Shri Janak Chand was asked by the respondents to vote on the basis of caste in favour of respondent No. 1 and Shri Pradhan Chand of village Panchrukhi was asked by the respondent to get the votes on the basis of caste in favour of respondent No. 1 on 20th February, 1972 at his village. These allegations are denied by the respondent No. 1. It was also further contended that the facts stated relating to the corrupt practice of bribery do not amount to corrupt practice as defined under section 123 (1) of the Act. Shri Man Chand had been a Congress worker and had actively supported the petitioner during the elections. Further it was denied that he was a resident of the illaqua adjacent and near to the illaqua of respondent No. 2. Had the respondent No. 2 contested the elections, he would have definitely cut the petitioner's votes. The respondent No. 2 had withdrawn from the contest at the instance of the petitioner and other Congress workers. The respondent No. 2 and the petitioner were close to each other. Both were the members of Panchayat Samiti Panchrukhi. The allegation of compelling and forcing the respondent No. 2 to withdraw from contesting the election was also denied and he also denied to have held out any promise to the respondent No. 2. The respondent No. 1 did not meet either the persons mentioned by the petitioner or the respondent No. 2 on that day. It was stated that Sarvshri Madan Lal and

Santosh Kumar were the Congress workers and were the staunch supporters of the petitioner during the election. The withdrawal of respondent No. 2 was for the reasons of his own and not because of any offer. Sarvshri Madan Lal and Santosh Kumar were appointed as polling agents by the petitioner. The allegations of canvassing made by respondent No. 1 at Palampur on 11th February, 1972 at 1.30 P.M. in the presence of Sarvshri Hardyal Naital and Gokal Chand Bhatia were also denied. It was averred that both these persons were the Congress workers and had worked for the petitioner during her election campaign. Shri Hardyal Naital had also filed his nomination papers but had withdrawn from the contest in favour of the petitioner. Shri Gokal Dass was appointed as polling agent. It was also denied that the respondent No. 1 asked respondent No. 2 to create the feeling of casteism in favour of respondent No. 1 by asking him to canvass the people to vote in favour of respondent No. 1 and so was the allegation of having approached Shri Pradhan Chand to get the votes on the basis of caste. Both these aforesaid persons had worked during the elections in favour of the petitioner.

Respondent No. 2, however, supported the allegations of the petitioner. He stated that respondent No. 1 asked him that if he withdraws from the contest his election prospects will become bright as he will be able to fetch the votes of the Villages mentioned in the sub-para of the petition. It was also admitted that he was good friend of respondent No. 1 and it was out of friendship that respondent No. 1 prevailed upon him to withdraw that from the contest. He also admitted the presence of Sarvshri Madan Lal and Santosh Kumar when the respondent No. 1 held out a promise to help him by saying that his land does not go to the tenants. It was further submitted that if he had contested the election the prospects of success of respondent No. 1 would have been bleak as the voters specially Rajput community would have definitely voted for the replying respondent which on the persuasion of the replying respondent were canvassed and secured for respondent No. 1 by the replying respondent and his friends. He also submitted that he worked in his caste for respondent No. 1 as promised to him.

This issue has got two parts. The first part pertains to the allegations of corrupt practice of having prevailed upon the respondent No. 2 to withdraw in his favour by holding out a promise to the effect that if he withdraw he would see that his land does not go to the tenants and that the respondent No. 1 shall be always at his back and call. The second part pertains to canvassing by an appeal to voters on the basis of caste. This second part falls under section 123 (3A) of the Act and the first part according to the petitioner falls under section 123 (1) of the Act. It is argued by the learned Counsel for the petitioner that the promise to do a particular act with the object of securing the votes is also a gratification or a bribe. According to the learned counsel for the petitioner this Court had already given a finding in favour of the petitioner while deciding the preliminary issue No. 1 that the allegations as contained in Para 11 amounted to bribery as also to create feelings of enmity between two sections of Community. I had held as under:—

"In so far as the fact of promise that he will see that his land will not go to the tenants and he shall be at his back and call it will be determined later on whether this amounts to bribery or not. But *Prima facie* as it is,

to my mind it appears a corrupt practice of bribery. Therefore, in my opinion, this paragraph cannot be struck off and must be allowed to stand because it is for the petitioner to prove at a later stage whether this allegation does amount to a corrupt practice and if so whether he made any such promise. If he did make whether it constituted any offence with-in the mischief of the aforesaid section".

Therefore from this it would appear that I have not held that it is a corrupt practice but I have left it open and I only observed that *prima facie* as it is, to my mind it so appears. Therefore, this finding is not conclusive and it was left open for the petitioner to establish whether the petitioner made any promise as alleged and if so whether the same amounted to any corrupt practice as defined under Section 123 (1) of the Act. Therefore the submission of the petitioner does not appear to be correct that it already stands concluded in his favour. As for the other submission that the respondent No. 1 through the respondent No. 2 attempted to create a feeling of casteism by canvassing votes on the basis of caste, there is no such finding that it is a corrupt practice. It was left open to be decided later on.

In *Dev Raj Anand Vs. Bhagwandas and another* (A.I.R. 1971 Supreme Court, 241) it has been held that "the gist of the corrupt practice of bribery lies in attempting to do something for those opposed to the candidate with a view to changing their votes and as a bargain for votes".

Now we have to analysis the pleadings. The alleged promise is that he would see that his (respondent No. 2's) land does not go to the tenants and the respondent, that is, Shri Shanta Kumar, shall be at his back and call. The petitioner in Para 1 of her affidavit stated that the allegations contained in paras 4 (b), 10 (a), 11 (a) to (d) are true to her information. Therefore, She has got no personal knowledge. Respondent No. 2 has in sub-para (d) of paragraph 11 of his written statement stated that as the respondents were the good friends, it is out of friendship that respondent No. 1 prevailed upon the replying respondent to withdraw from the contest. No primarily it was because of the close and intimate friendship between the respondents that the respondent No. 2 was compelled to withdraw from the contest and to this extent it cannot be said to be a corrupt practice and the allegations in the petition to this extent remain unsubstantiated. However, further on he has stated that the respondent No. 1 was trying his best to make the replying respondent to withdraw in which he ultimately succeeded since the date of filing the nomination papers. Had the respondent No. 1 not given the assurance as mentioned in the petition the replying respondent would not have withdrawn at all. Now in his statement in the Court as his own witness he stated that he withdrew from his candidature at the instance of Shri Shanta Kumar, who had approached him on the morning of 11th February, 1972 at about 11.00 or 11.30 A.M. in his office at Amritsar Goods Transport Company at Palampur. He told him "since I was his neighbour, therefore, I should withdraw and consequently he would assist me in resolving my land disputes with the tenants". This statement is not in consonance with the pleadings that he could see that the land does not go to the tenants but here it is stated that he would assist him in resolving his and disputes with the tenants. Therefore it cannot be said that the pleadings as made by the petitioner are substantiated by the statement of respondent

No. 2, who was the person directly concerned. He further on stated "I would think over the matter. Shri Shanta Kumar again came to my office at about 1.30 P.M. the same day and again requested me to withdraw as a good neighbour so that he could get all the Rajput votes including that of myself on this request of the respondent No. 1, I decided to withdraw my candidature". Therefore it was this later request that they were good neighbours that the respondent No. 2 agreed to withdraw in favour of the respondent No. 1. Therefore from this statement of his it cannot be said that he withdrew his candidature because of any offer or promise except that he was his neighbour. He has also stated that he has got only one tenant, namely, Shri Ganu Ram and the land that he owns is about 24 Kanals and out of this land about 10 or 12 Kanals is in the possession of Shri Ganu Ram, who is still a non occupancy tenant and that he has no case with the tenant in any Court. Therefore, from this it follows that there was no occasion to make a promise to the respondent No. 2 to see that his land does not go to the tenants. Nor was there any dispute with the tenant as is stated by respondent No. 2 himself. Further from his statement it is also evident that he along with Shrimati Kamla Devi and Shri Hardyal Naital is also a member of the Panchayat Samiti Panchrukhi since 1968. Therefore, there was no attempt to do anything by respondent No. 1 for the respondent No. 2. Respondent No. 2 is moreover a partisan witness in as much as he worked as Polling Agent of Shrimati Kamla Devi. His attitude of partisanship is quite manifest from the manner in which he made the statement in the Court. First of all when he was asked if he was a agent of Shrimati Kamla Devi he denied this suggestion. But when he was confronted with the form Ex-R-11 on which his signatures appeared then he admitted the signatures yet he had the check to say that he never acted as a counting agent despite his signatures on the form. Again he was asked if he acted as a polling agent for Shrimati Kamla Devi. In this also he denied but later on he stated that Shrimati Kamla Devi had given a polling agent form to one Milap Singh to deliver the same to the Polling Officer.

As he was not able to work being unwell, then respondent No. 2 took the form to the Polling Office and he asked him to fill in the same and as according to him at his instance he signed it and delivered the same to the Polling Officer. There is no other conclusion which is possible except that he had in fact acted as a polling agent as also a counting agent for Shrimati Kamla Devi petitioner and that he is deliberately suppressing the truth so that his interest in the petitioner may not be exposed:

Shri Madan Lal Kabutria states his presence at the office of the respondent No. 2. When respondent No. 1 had a talk with him for withdrawal and also extended a promise. He says that Shri Shanta Kumar and Shri Man Chand had a talk in the afternoon of 11th February 1972 it was about 1.30 P.M. at that time. The talk took place in the office of the Amritsar Goods Transport Company. Shri Shantosh Kumar was also there. Shri Shanta Kumar suggested that Rajput Community should vote for him. The witness voluntarily made the following statement :-

"He further told him that in case of withdrawal he would be benefited and he would be given transport route permit. Further he promised that he would see that his tenants would be ejected from the tenancy. That was the only talk which took place in my presence".

So far as the first portion about the giving of the transport route permit is concerned there is no plea taken up by the petitioner herself. Therefore, this witness had made an improvement or gives an indication to the fact either he was not present there at all or he is deliberately helping the petitioner by concocting this story. Again the allegation in the petition is that the respondent had said that he would see that his land does not go to the tenants and that the respondent shall be at his back and call. But here the statement is that he would see that his tenant would be ejected from his tenancy. So this is contrary to the plea taken up by the petitioner and is also contrary to the statement and the stand taken up by respondent No. 2. The respondent No. 2 stated in the Court as already discussed that the respondent No. 1 said that he would assist him in resolving his land disputes with the tenants. The witness is also a partisan and interested witness as is evident from his cross-examination, when he has admitted that he was the polling agent of Shrimati Kamla Devi petitioner during the elections. Therefore, in these circumstances this statement of his cannot be said to be a reliable one.

Shri Santosh Kumar is the next witness who states that the talk transpired between the respondents Nos. 1 and 2 in his presence at the office of Shri Man Chand. This witness has stated to the following effect :—

“Shri Shanta Kumar suggested to Man Chand that he should withdraw in his favour so that his position for success may improve because all Rajputs who were to support Shri Man Chand would support him. Shri Shanta Kumar told Shri Man Chand that he would help him. He did not say anything else”.

Therefore, his statement is also not of any value insofar as the offer or promise to assist respondent No. 2 is concerned and which may amount to a corrupt practice as defined under section 123 (1) of the Act. He does not support PW-2 with regard to that particular promise made. Therefore, the first portion of the issue with regard to the offer or promise to see that the land of respondent No. 2 does not go to the tenants and that he would be always at his back and call remains unproved.

Now I take up the latter portion of this charge which is with regard to the canvassing by the respondent No. 2 in the Rajput community and thereby creating a feeling of casteism against the petitioner so as to secure the votes in favour of respondent No. 1. In this behalf the evidence is of Sarvshri Gokal Dass (PW-10) and Hardyal Naitan (PW-11) including the respondent No. 2 and one Shri Janak Chand (PW-7). Shri Man Chand has stated that in the presence of Sarvshri Hardyal Naitan and Gokal Dass (PWs) the respondent No. 1 told him at about 11.00 or 11.30 A.M. in the Office of the Amritsar Goods Transport Company that since he was his neighbour, therefore, he should withdraw and consequently he would assist him in resolving his land disputes with the tenants. But this statement is contrary to the averments made by the petitioner in Para 11 (e) wherein it has not been stated that the promise to assist him in resolving the land disputes with the tenants was made by respondent No. 1. He has also stated that he requested him to withdraw being a good neighbour so that he could get all the Rajput votes including that of himself. He wielded a good deal of influence over the Rajput community in the Khera constituency. So from this it cannot be inferred that there was any inducement made to the respondent No. 2 by the respondent No. 1 to canvass in the Rajput community for votes in favour of the respondent No. 1. He simply said according to statement of Shri Man Chand that he should withdraw

so that he may get all the Rajput votes. This averment is contrary to the pleadings as such not to be looked into. Further on in the cross-examination he stated that on the 16th February, 1972, he went to Janak Chand and not to Jagat Singh as earlier stated. He told Janak Chand who is Rajput by caste that he should canvass in the Rajput community for respondent No. 1. Besides this he did not do any work for Shri Shanta Kumar excepting whatever has been stated above. He however stated further on that he canvassed in Khera, Bhaura, Daraman and some other villages, totalling twenty-six villages in favour of Shri Shanta Kumar and he met several people in those villages and he stated that he could not give the name of anybody else. This would, therefore, go to show that whatever he is saying it is all a tissue of lies. If he had actually gone in the village mentioned above he should have at least given the names of some of the voters. He has mentioned only one Shri Janak Chand the promise is also as stated by him that if he withdrew he would get the Rajput votes including his own vote. So if the respondent No. 2 canvassed amongst the Rajput community in favour of the respondent No. 2 that was not because of any persuasion or inducement given by the respondent No. 1 that as he is simply asked him to withdraw on the ground of his being a good neighbour.

PW 10 stated as under :—

“Shri Shanta Kumar was telling Shri Man Chand that he should withdraw his candidature as that was the last date for withdrawal and further that he should work for him. He was also telling that he (Man Chand) should canvass him in his village and also in his brotherhood of Rajputs and he also said that they were both neighbours.”

PW 11 stated as under :—

“Shri Shanta Kumar told Shri Man Chand that he should withdraw his candidature so that the votes of brotherhood, i.e. Rajput may also be secured by him (Shri Shanta Kumar). He was also told to secure votes for him.”

The statements of these witnesses are also not in conformity with pleadings as contained in para 11 (e) of the petition. Moreover the statements are quite vague and therefore no reliance can be placed on this type of testimony. P.W-10 was admittedly the polling agent of the petitioner and in so far as PW-11 is concerned it is clear from his statement that he had also filed his nomination paper as a Congress candidate. According to him he did not know at the time of the filling of the nomination papers as to who was the other Congress candidate from the Khera constituency. But subsequently he learnt that the petitioner was the candidate from the Congress party and, therefore, he withdrew from the contest on the 11th February, 1972 at the direction of the party. Therefore, from this it is quite obvious that the witness is a Congress candidate and he is purposely telling a lie in order to support the petitioner. It appears that he was a covering candidate of the petitioner. If he was doing so, it cannot be believed that the respondent No. 1 should have talked in the presence of these persons who are admittedly the supporters of the petitioner who was a Congress candidate in the elections. PWs. 2, 3, 10 and 11 had gone there per chance on that day at the office of the Amritsar Goods Transport Company and the statements of such chance witnesses cannot be said to be worthy of credit especially in the circumstances when they happened to be supporting the petitioner and belong to the Congress party. According to *Ismail Ahmed Pecaodi vs. Momin Bibi and others* (A.I.R. 1941 Privy Council 11) though the “chance witness” is not necessarily a false witness, it is proverbially rash to rely

upon such evidence. Subsequently in *Wazir Shah vs. Sant Shah* (A.I.R. 1961 Jammu and Kashmir 42) a similar view was taken in respect of a chance witness. In the light of the above discussion I hold that the statements of these witnesses are not at all reliable and trustworthy. In so far as the respondent No. 2. is concerned his position as already stated is that of an accomplice and therefore his testimony is tainted and cannot be accepted unless corroborated by an independent source. Here the entire evidence is quite interested and of a partisan nature and the witnesses are chance witnesses. The statements are contrary to the pleadings and so is the statement and the reply in the written statement made by the respondent No. 2 himself and, therefore, this allegation of corrupt practice remains unproved.

Now I am left only with the statement of Shri Janak Chand (PW-7). He is a retired Subedar Major from the Army and he is a Rajput by caste. He stated that he does not know either respondent No. 1 or respondent No. 2. However, on the pointing out by the counsel for the petitioner he stated that respondent No. 1 went to his village on the 16th February, 1972 along with Shri Man Chand and it was since then that he came to know them and he said that respondent No. 1 asked him to canvass in the Rajput community to vote for him and Shri Man Chand also said the same thing. But he did not canvass for anybody. The witness who was a stranger to both the respondents cannot be expected to have been approached by them for canvassing and it appears that this man is also making deliberately a false statement in order to oblige the petitioner who brought him to Simla with her without any summons being issued to him from the Court. He came at the instance of Shrimati Kamla Devi Petitioner who told him some five or six days before to come to Simla. He is a neighbour of the petitioner whose house is at a distance of five furlongs from his house. There is no doubt that a party can take its witnesses with it to the Court but the manner in which the witness has stated in the Court it is indicative of the fact that he is a partisan witness. The main allegation made by the petitioner in the petition has failed for no evidence and, therefore, the statement of this witness alone is also quite insufficient to prove this charge which is like a criminal charge and the standard of proof required in election matters in proving corrupt practices in the same as that for criminal offence and the allegation of corrupt practices of bribery have to be proved beyond reasonable doubt and in this I am supported by *Chadabayada Subba Rao vs. Kasu Brahmananda Reddy and others* (A.I.R. 1967 A.P. 155). A similar view is taken in *Shri Raj Raj Deb vs. Shri Gangadhar Mohanatra and others* (23 E. L. B. 283).

In the light of the above the onus of the issue has not been discharged by the petitioner. Therefore, the same is decided against the petitioner.

Issue No. 2:

There is no evidence brought by the petitioner on the record to establish this allegation of having incurred expenditure exceeding the permissible limit, i.e., over Rs. 5,000 and as such it cannot be said that the respondent No. 1 is guilty of corrupt practice of incurring and authorising of expenditure in contravention of section 77 of the Act.

Issue No. 3:

The allegations with regard to this are contained in Para 12 (b), (c) and (e) to (h). It has been alleged that the poster (Annexure PA) though purported to have been issued on behalf of Bhartiya Jana Sangh, was in fact issued by respondent No. 1, as it was published at Pradeep Press Palampur which is owned and possessed

by respondent No. 1 himself, secondly, he is the Secretary of Bhartiya Jana Sangh and, thirdly, he has owned the poster (Annexure PA) in his return of expenses (Annexure PK) and it was in his knowledge and it was also with his consent that the same was published. If it was not issued by respondent No. 1 himself then it was issued by Bhartiya Jana Sangh, Kangra, and then in that case the Bhartiya Jana Sangh was the agent of respondent No. 1. The statement of fact contained in Annexure PA is false to the knowledge of respondent No. 1 and has been published widely in whole of the constituency as was apparent from the envelopes (Annexures PE, PF and PG). The statement of fact contained in this annexure was not believed by him to be true and it was believed by him to be false being a statement reasonably calculated to prejudice the prospects of the petitioner's election. Further that the respondent No. 1 got published the poster (Annexure PI) showing that the Kangra people are being deprived of fruits of the public development and the people of old Himachal Pradesh, that is, Mahasu, Kinnaur and Sirmur, etc. are being given whole of the milk and the Kangra people are merely bringing and collecting grass. The respondent No. 1 has depicted adversely the plight of the people of Kangra and thereby prejudiced the public opinion against the Congress party. The respondent No. 1 has also created thereby a feeling of regionalism and consequently created feelings of enmity and hatred between different classes in Himachal Pradesh for the furtherance of the prospects of election of respondent No. 1. This statement of fact is false to the knowledge of respondent No. 1 and never believed to be true as a statement in relation to the candidature of the petitioner being a statement of fact reasonably calculated to prejudice the prospects of the election of the petitioner. The petitioner submits that respondent No. 1 has admitted the issuance of poster (Annexure PI) in his return of expenses contained in Annexure PK. Learned counsel for the petitioner has drawn my attention to my findings on the preliminary issues on this point. According to him I have already held that these allegations as mentioned above amount to a corrupt practice as envisaged under section 123 (3A) of the Act. I have seen my Judgment, dated October 4, 1972, and I have nowhere stated that the allegations as contained in Annexure PA amount to a corrupt practice. I have made observations to the following effect:—

"It is a lengthy document and there are several allegations made in it against the Government and some allegations were of discriminatory treatment in respect of employment of persons from old and new areas of Himachal Pradesh. There has been an attempt to create a feeling of regionalism and at this stage it is difficult to say whether this allegation is such which may amount to corrupt practice. This allegation is with regard to the publication of the posters with the consent of respondent No. 1 by his press which is stated to be the agent of respondent No. 1 alleging that this statement as contained in the poster is not true and the respondent No. 1 also believed it to be false and this was a statement according to the petitioner which related to her personal character and conduct and, therefore, according to him this statement reasonably calculated to prejudice the prospects of the petitioner's election."

However, I observed that "this allegation as contained in Para 6 with regard to the Annexure PA, the Paras 12 (a), (b) and (d) shall be struck off."

Further from this statement it would appear that

with regard to the Annexure PI, I have observed as:—

"Community is a very wide term and it embraces within its scope regions also and therefore, if any propaganda on the basis of the regionalism in order to promote feelings of enmity or hatred is done that may fall within the mischief of the aforesaid section. Therefore, in so far as the allegations on the basis of this document are concerned, the same will stand."

Therefore, it is for the petitioner now to establish whether these documents contain any such statements which fall within the mischief of section 123 (3A) and Section 123(4) of the Act, and, if so whether these documents were published or distributed either by respondent No. 1 or by his agents with his consent.

● There are only two documents Exs. PW-5/B and PW-5/A which are objectionable and require the determination with regard to their publication and their nature. This document Ex. PW-5/B is the same which has been appended by the petitioner along with her petition as Annexure PA and Ex. PW-5/A is a document which has been filed by the petitioner as Annexure PI. Ex-PW-5/B starts with the caption "A painful story of Kangra in terms of facts and figures" and it further says that "Na Sambhogt to Mit Jaoge, Ae Kangra Wale, Tumhara Nam Tak Bhi Na Hoga Dastanon Main" and then it is asked "Is it not a fact?". This document only asks about the factual position with regard to the population, the number of J. B. T. unemployed teachers for the last six years in Kangra as compared to the old Himachal area and it is further asked whether even untrained matric teachers have been employed in the old area of Himachal Pradesh. Chowkidara tax is recovered in Kangra but there is no such tax in old area of Himachal Pradesh. Then there is a query about the number of teachers employed for a particular number of students. Then there is a question asked as to whether a sum of rupees four lacs has been spent on the construction of schools and hostels in Kangra whereas in the old Himachal a sum of fifty lacs rupees has been spent for this purpose. There are as many as 23 questions posed to the voters and it is to be seen whether these queries can be said to amount to create a feeling of regionalism between the two sections of society so as to render the election chances of the petitioner quite slim. Further it is asked whether it was also not true that the Congress leaders and M.L.As. had been tolerating this injustice quietly and they had never raised a voice against it, whenever Dr. Parmar comes here, praises are showered on him and they run after Dr. Parmar. No Congressman dares ask him why discriminatory and unjust attitude has been adopted towards Kangra, where half of the population of Himachal Pradesh resides and it has further been stated that in March, 1972 it is to be decided whether they wanted to send those people to Himachal Assembly, whose leaders and Government met out a discriminatory treatment towards Kangra. Whether they want to send those persons again who have silently accepted this injustice in the past, who are accepting and who will accept this injustice in future also. These figures are a challenge to 13 lacs brave population of Kangra. Then after posing these factual queries, it is said that if this is true then they should elect the fearless, popular, young, social worker, Shri Shanta Kumar, who even by being out of Assembly had been fighting for Kangra. When he was the Chairman of Kangra District Board then H. P. Government had stopped its grant but Shri Shanta Kumar fought against it at Simla and compelled the Government to give a grant of ten lac of rupees to District Kangra. Shri Shanta Kumar awakened Dr. Parmar and then the

last words as translated by the petitioner are as under:—

"He will roar like a lion in the Himachal Assembly, then either he will attack those who are discriminating 12 lacs people by his boldness and eloquence that either Himachal Government would give justice to Kangra district or it will fall due to its unjust act and will have a fall down."

"Pradeep Press Palampur,.....Petitioner Bhartiya Jana Sangh."

This document has been denied to have been published by the respondent No. 1. However, he averred, that it purported to have been issued on behalf of the Bhartiya Jana Sangh and was printed at Pradeep Press Palampur which is owned by respondent No. 1. According to him the posters PA (Ex. PW-4/A or Ex. PW-5/B) were got published by the Organising Secretary of the Bhartiya Jana Sangh for various constituencies in District Kangra. However the poster Ex. PW-5/B, i.e. Ex-PW-4/A shows that it was printed from the Pradeep Press, Palampur and the ownership of the same is not denied by respondent No. 1.

The second poster is Annexure PI, which is exhibited as Exs. PW-5/A, PW-6/C, PW-12/B and PW-14/F. This is a cartoon printed from the Summan Printing Press, Kangra depicting the area of Kangra as a cow, which is being fed by the people from the area of Kangra and the cow dung is being lifted by a man from Kangra, the cow is being milked by Dr. Y. S. Parmar and the milk is shown to have been distributed by Shrimati Satya Wati Dang, the then General Secretary of the Congress, to the people of Mahasu, Sirmur and Kinnaur, etc. and it is written that the people of Kangra would do away with the discriminatory treatment met out to the 30 lacs people of Kangra and again it is also shown that the Congress candidates of Kangra are standing with their folded hands and they are tolerating this discriminatory treatment quietly. The respondent No. 1 has denied the printing and publication of this poster. Therefore, before I deal with the nature of these documents Ex. PW-4/A (Ex. PW-5/B and Ex-5/A) it would be appropriate to deal with the publication of the posters because the respondent has denied the publication of the same. If the publication itself is not established then the question of determining the nature of these documents would not arise at all. Under section 123(4) the first thing that the petitioner has to prove is that there has been a publication by a candidate or his agent or by any other person of a statement of fact; secondly, the statement of fact must be false; thirdly, the publisher must either believe it to be false or must not believe it to be true; fourthly, the statement must be in relation to the personal character or, conduct of the candidate or in relation to his candidature, withdrawal or retirement from contest; and lastly it must be a statement reasonably calculated to prejudice the prospects of the candidate's election.

Shri Madan Lal Kabutria (PW-2) deposed that Shri Shanta Kumar and his party had distributed several posters during the election and that he too was given posters by Shri Shanta Kumar and his party on 14th or 15th of February, 1972. Some of the posters were with the caption "Kangra Rupi Gaye". According to him, the voters of Khara constituency were very much prejudiced against the old Himachal is because of the posters and a feeling of enmity was also created amongst them.

Because of the creation of this feeling of hatred and animosity amongst the people, chances of Shrimati Kamla Devi Petitioner for success in the election were narrowed. This witness says that he did not tell the

petitioner about the distribution of these posters by the respondent to him and other persons. However I have discarded his statement while discussing Issue No. 1 on the fact that he is a partisan witness inasmuch as he was a polling agent of Shri mati Kamla Devi petitioner and he came for evidence quite unsummoned. Though there is no bar that a party cannot bring its witnesses at its own responsibility but from the manner in which the witnesses were treated by the petitioner the only conclusion is that they were obliged to speak in favour of the petitioner. She had made arrangements for the witness at Simla as would be apparent from the statement of this witness in the cross-examination. Therefore the statement of this witness cannot be given any credence.

Shri Shiv Ram (PW-5) also states that on 22nd November, 1972, Shri Shanta Kumar while going in a jeep through Rajpura stopped his jeep there and gave him posters and he brought those posters with him in the Court. The poster Ex-PW-5/A was pasted on the wall of the shop by one coolie who was going with Shri Shanta Kumar. According to him an envelope containing the posters Exs. PW-5/B, C and D was given to him by Shri Shanta Kumar. The effect of the posters on the people was that they started nursing a feeling of animosity and hatred against the people of old Himachal because according to these posters they were shown working and toiling whereas the people of the old area were shown enjoying the benefits of their labour. This feeling of ill-will and hatred adversely affected the chances of election of the petitioner, because the Government was doing something against and in fact was not doing anything for the people of Kangra. This witness is also a partisan witness inasmuch as he is working in the Khadi Bhandar of which the petitioner is the Chairman and he is also living in the vicinity of the petitioner and she also gave him posters which he did not bring with him. That also shows the interest of the witness that he has evinced in the petitioner against the respondent.

Shri Gokal Dass Bhatia (PW-10) has stated that on 22nd or 23rd February, 1972, Shri Shanta Kumar had put up a poster at his factory at Tanda which he has not brought in the Court and after he was shown the poster Ex-PW-5/A he deposed that the hand bills which were given to him were like them and that he had read the poster which had been put up at his factory. I have already commented on the statement of this witness previously also and his statement is that of a partisan witness. He was a polling agent of Shrimati Kamla Devi at Tanda Polling Station during her election and he is also a visitor to the house of the petitioner as is evident from his cross-examination. If he was a polling agent of the petitioner there does not appear to be any reason why respondent No. 1 should have approached this witness. Further from his cross-examination it would appear that immediately after the declaration of the results he met the petitioner and asked her as to how she was defeated. Therefore, I do not rely upon the statement of such a partisan witness who is out to support the petitioner.

Shri Om Parkash (PW-12) stated that on 28th February, 1972, respondent No. 1, the General Secretary of the Jana Sangh gave him some posters at his village and which he had brought today in the Court and one of them is Ex-PW-12/A, which is the same as Ex-PW-4/A "Kiya Yah Such Nahi Hai". This witness is also a co-villager of the petitioner. He was also brought to the Court by the petitioner herself and she had informed him that he was to appear as a witness in the Court and he also remembered the date when he had been told to appear

in the Court. Shri Balwant Chand (PW-13) states that respondent No. 1 on 22nd or 23rd February, 1972 gave him an envelope containing some hand-bills including Ex. PW-13/A which is "Kiya, Yah Such Nahi Hai". In the cross-examination the witness stated that he was a Congress worker but not now. He has also admitted this fact that he was a polling agent of the petitioner during the elections as is evident from Ex-B-8 which bears his signatures. So this fact is sufficient to disbelieve him. It is highly unbelievable how a person who was a Congress worker and had also acted a polling agent of the petitioner should have been given a poster by respondent No. 1.

Shri Sudarshan Kumar (PW-14) also deposed to have been given the posters by respondent No. 1 and he produced the posters including Ex. PW-14/A which is equivalent to Ex. PW-4/A (Kiya Yah Such Nahi Hai). In the cross-examination the witness stated that the document Ex. PW-14/F which is the same as Ex. PW-5/A i.e. "Kangra Rupri Gaye" was pasted in front of his shop on the wall of the house of Shri Balak Ram Sud by Shri Shanta Kumar. According to him it was affixed with nails. But it is interesting to note that there are no nail marks on this poster to indicate that it was really affixed with the nails. Therefore, it is sufficient to discard the testimony of this witness and the only inference that can be drawn is that the witness was given this poster by the petitioner while he came to the Court to appear as a witness. Further on he stated that he did not tell Shrimati Kamla Devi that he will depose like this in the Court. However, once he had a talk with Shrimati Kamla Devi that her election prospects were adversely affected because of the posters and this talk transpired between him and the petitioner just a few days before she told him that he was called as a witness. However, he could not give the date. It is really very surprising that the witness can remember a date when he was given a poster by Shri Shanta Kumar but he does not remember a date of a much later month when he had a talk with Shrimati Kamla. Therefore, this witness also is a partisan witness and the statement of a partisan witness cannot be relied upon unless the same is corroborated by some other independent witness. This also gives an indication to the fact that he was interested in the petitioner and that is why he conveyed this fact to the petitioner.

Mohan Lal (PW-15) also states to have been given the poster Ex. PW-15/A by the respondent No. 1 on the 14th February, 1972 and this poster is also equivalent to Ex. PW-4/A (Kiya Yah Such Nahi Hai). Further he stated to have seen the poster like Ex. PW-5/A in the illaqua. This poster Ex. PW-5/A is "Kangra Rupri Gaye". It may be stated here that the witness is a resident of village Rajgir Dhanka which was a separate constituency and from where Shri Shambhu Ram Jana Sangh candidate was contesting the elections against Shri Wazir Chand Congress candidate. The witness is practising in Paprola which is now in Baijnath constituency. Therefore, there does not appear to be any reason why the petitioner should have given this poster to this man. He stated that he canvassed in the general public but he could not name anyone nor he could give any specific reason for having remembered the date of 14th February when this poster is stated to have been given to him. He is an Ayurvedic Practitioner and he could not remember the date. This also leads me to infer that he is telling a lie.

Shri Madan Lal (PW-16) also states that respondent No. 1 gave him Ex. PW-16/A which is "Kiya Yah Such Nahi Hai". He also stated to have seen posters like

Ex. PW-5/A being pasted on the walls. The witness could not give the date when the Dussehra or the Diwali fell last year whereas he has given the date when the respondent gave him the poster in the year, 1972. The witness also had been meeting the petitioner several times after the election but he could not give the dates of his meeting with her. She had however, met him on the 22nd February, 1973 when he was asked to appear as a witness. When the witness was asked the reason as to why he particularly remembered the date when the poster was given to him. He stated that these were the election days. Therefore he remembered the date. Therefore, this witness also cannot be said to be a truthful witness and his testimony also can not be said to be free from bias as he appears to be a partisan witness who also came of his own accord at the instance of Shrimati Kamla Devi to appear as a witness against respondent No. 1.

Shri Ghopu Ram (PW-17) also states that he was given poster Ex. PW-17/A which is equivalent to Ex. PW-4/A by the respondent No. 1 some 8 or 10 days before the polling date. Further that the poster Ex. PW-17/C which is equivalent to Ex. PW-5/A "Kangra Rupi Gaye" was being affixed by the respondent and his men on the walls of his house but he told them that it was no use of putting it on the wall because the children might spoil the same and that it may be given to him so that he may get them read out to him from his children who are educated. It is also highly improbable that the respondent and his men should have given the posters to the witness to be retained by him. In fact it was meant for wide publicity which could be given only by affixing the poster on some conspicuous part of the houses in the village where it could be seen by the greatest number of people but the witness makes quite an interesting statement that he asked him not to put up the poster on the walls of the house lest it might be spoiled by the children as if it was to be preserved safely for the purpose of evidence in the Court against the respondent. So this witness also does not inspire confidence. In his cross-examination he has also stated that during the election, the Communist and Congress parties also put up their posters but he did not retain those posters with him. They were pasted on the walls of his house also. Further more he has brought the posters Ex-PW-17/A, B and C of his own accord without being summoned. So the only inference that may be drawn is that he did so at the instance of the petitioner and he cannot be termed as an independent man whose statement should be taken as a correct statement without any bias against the respondent. Further it would appear from his statement in cross-examination that the petitioner had told that those persons who had the posters, they could appear as witnesses at their own expense. It is highly unbelievable that illiterate people like the petitioner who even got these posters read out to him by his daughter and son who are getting education in the school should have voluntarily appeared as witnesses for the sake of purity of the elections. He has also stated that at Simla he was staying in the Jain Dhafamsala along with three other persons in the same room and the booking was done by the petitioner. Hence his statement also cannot be free from any doubt.

Shri Milkhi Ram (PW-18) stated that a few days before the election respondent met him and gave him posters Exs. PW-18/A and PW-18/B. The first poster is "Kiya Yah Such Nahi Hai". He also stated that the respondent No. 1 also pasted several posters of the kind of Ex-PW-5/A, i.e. "Kangra Rupi Gaye". It is not

understood why this particular poster was not given to him when the same was pasted by respondent No. 1 himself whereas the other posters were delivered to him. When the witness was asked in cross-examination if he was the polling agent for Shrimati Kamla Devi he betrayed ignorance. But when he was confronted with the form then he had to admit that he worked as a polling agent for Shrimati Kamla Devi. Therefore, this also gives an indication that the witness is deliberately making a false statement. He is a partisan witness.

Respondent No. 2 also deposed that he distributed some of the posters on behalf of respondent No. 1 and some posters are still lying with him and he produced the posters Ex-R-2/A, R-2/B, R-2/C and R-2/D. Ex. R-2/B is "Kiya Yah Such Nahi Hai" and Ex-R-2/A is "Himachal Rupi Kangra Gaye". I have already dealt with the statement of this witness while giving my findings on Issue No. 1. He is a supporter of the Congress and he could not be expected to have supported respondent No. 1 and he was the counting agent of the petitioner although in the beginning he denied to have acted as a counting agent of the petitioner and when the Form Ex-R-11 was shown to him then he admitted having acted as such. From this no other conclusion is possible except that the respondent No. 2 is a staunch supporter of the petitioner and he is making this statement at the instance and to the advantage of the petitioner. If he had really withdrawn in favour of the respondent No. 1, I do not understand, why he should have withdrawn his support to the respondent No. 1 and should have acted as the counting agent of the petitioner. Moreover if he had throughout been supporting the respondent No. 1 how he could be confided in by petitioner to have him as her counting agent. Hence I do not place any reliance on the testimony of this witness with regard to the distribution of the posters by respondent No. 1 through him.

It may be stated here that all the witnesses who have appeared for the petitioner have appeared without summons being issued to them and that will show that these witnesses were the supporters of the petitioner. There is no doubt that the witnesses can be brought by the party at its own responsibility but the manner in which the witnesses have behaved and conducted during the course of their examination it is obvious that they are partisan witnesses and are out to support the petitioner at any cost. The witnesses have been suppressing the truth and when they are confronted with the polling agent forms and counting agent forms and are put suggestions that they have been working for the petitioner then they had to admit the same and, therefore, the conclusion is quite inescapable that they are all partisan witnesses and this is further confirmed by the statement of the petitioner herself who has stated that she did not spend money in the election. The security amount for her petition was raised by contribution by her sympathizers. During the election her sympathizers did give the assistance in the form of money. Further that the witnesses produced by her were not summoned and they were brought by herself and when they enquired of her about the cause of her defeat, she told them to come along and appear as witnesses for her. Therefore, it is obvious that all these witnesses are her sympathizers and party men and these people could not be expected to support the respondent No. 1, and they all are telling a lie with the object to help the petitioner. Therefore, the publication or distribution of the pamphlets by these witnesses remains unproved.

The learned counsel for the petitioner has argued that

the respondent No. 1 is the owner of the Pradeep Printing Press, Palampur. The poster Ex. PW-4/A is printed by the aforesaid Press as is evident from the poster itself and this is also not denied by the respondent No. 1, but his submission is that it was not within his knowledge or it was not with his consent because the Press is managed by Shri Om Parkash. The learned counsel submits that Shri Om Parkash has not been produced for the reason best known to the respondent No. 1 and, therefore, adverse inference under section 114 illustration (g) of the Indian Evidence Act must be against him. I quite agree with the learned counsel that if Shri Om Parkash had been produced it could be ascertained whether the poster was in fact published by him without the consent and knowledge of the respondent No. 1 and that he wholly and solely manages the press. Now the further question is whether the respondent No. 1 should be presumed to have knowledge about the printing of this poster from his press when he is admittedly the owner of the same and when he has also failed to produce Shri Om Parkash who is stated to be the Manager. The learned counsel has relied on section 7 of the Press and Registration of Books Act, 1867 as also on *D.P. Mishra vs. Kamal Narayan Sharma and others* (A.I.R. 1971 Supreme Court 856) to show that a person whose name is printed in a copy of the newspaper is the editor of every portion of that issue. The presumption may be rebutted, by evidence. "So according to him on the strength of this authority he contends that since it is indicated at the bottom of the poster that the printer is the Pradeep Printing Press, Palampur, therefore, the respondent is presumed to know about the printing of the poster. I quite agree with the learned counsel that the respondent No. 1 shall be presumed to have the knowledge or the poster shall be presumed to have been printed with his consent.

The petitioner has further submitted that it is admitted by the respondent and his witnesses that the posters were distributed by the Jana Sangh Party on behalf of its candidate and that the petitioner being a Jana Sangh candidate it must be presumed that the Jana Sangh was acting as the agent of the respondent No. 1 and he has also relied on *Sardul Singh Caveesbar vs. Hukam Singh and others* (6 E.L.R. 316) and *Ramanbhai Ashabhai Patel vs. Dhabhi Ajitkumar Fulsinhi and others* (24 E.L.R. 92). In the former case it has been held that:—

"Agency in election law has a much wider significance than under the ordinary law of principal and agent and may be inferred from the circumstances and conduct. Newspapers which make special propaganda for the election of a particular candidate, can be treated as his agents for purposes of election law."

In the latter case it has been held that:—

"The Swatantra Party which sponsored the appellant's election and made the appeal in the name of the religious symbol can be regarded as the agent of the appellant and to have committed the corrupt practice, in making the appeal, with the consent of the appellant."

Therefore, I am inclined to hold on the basis of these authorities I am inclined to hold that these posters were distributed by the Jana Sangh as an agent of the respondent No. 1 and he should be presumed to have consented to the distribution of these posters by the Jana Sangh Party as his agent.

Now the further question is whether the facts as detailed in Annexure PA, which is exhibited as PW-4/A with the caption "Kiya Yah Such Nahi Hai" as is also marked as PW-5/B, PW-12/A, PW-14/A, PW-15/A, PW-16/A, PW-17/A, and PW-18/A is a statement of facts in relation to the personal character or conduct of the candidate, or in relation to the candidature of the petitioner so as to fall within the mischief of Section 123 (4) of the Act. The perusal of the document Ex. PW-4/A reveals that it is not at all a statement of imputation against the personal character and conduct of the petitioner or with regard to her candidature. The document as already stated poses certain queries in the form whether "is it not a fact". A reading of this document Ex-PW-4/A, therefore, would reveal that this relates to the developmental activities and other activities of public benefit done by the Government of the day, the head of which is Dr. Parmar as against the pace of development and other activities of public benefit in the old area of Himachal Pradesh. The main theme of these queries is that more work is done in the old Himachal Pradesh and a large amount of money is also spent on the construction of schools, hostels and roads in the old area of Himachal Pradesh than the area of Kangra and that the area of Kangra is not met out the same treatment as is given to the old area of Himachal Pradesh. Therefore, it cannot be said that this statement relates to the personal character or conduct of the petitioner nor it relates to her political or public conduct rather it is a general statement of facts and by this document so to say the conduct of the Government is criticised for this step motherly treatment met out to the area of Kangra as against the old area of Himachal Pradesh. Similarly in the poster Ex. PW-5/A (Kangra Rupe Gaye). What is depicted is the treatment given to the people of Kangra by the Congress Government of which Dr. Parmar is the head and Shrimati Satya Wati Dang happened to be the General Secretary of the Himachal Pradesh Congress at that time. There is no attack on the personal character or conduct of the petitioner in either of these two documents. No imputation of any kind has been made in relation to the personal character or conduct rather it is an indirect criticism of the Government for ignoring the area of Kangra in the matters of development and is affording service facilities to its young and trained teachers. Therefore, if any adverse criticism has been made against the Government or the political views have been expressed by a candidate against the Government of the day that will not amount to any statement of facts so as to fall within the purview of sub-section (4) of section 123 of the Act.

According to *Sudhir Laxman Hendra vs. Shripat Amrit Dange and others* (A.I.R. 1960 Bombay 249) it has been held that:—

"Adverse criticism, however severe however undignified or ill mannered, however regrettable it might be in the interests of purity and decency of public life, in relation to the political views, position, reputation or action of a candidate, would not bring it within the mischief of the statute. The Court in such matters cannot judge these statements in the light of their decency or desirability in so far as they are political statement not calculated to attack the personal character or conduct of any rival candidate. Further, what is objectionable is a false statement of fact and not a false statement of opinion, however unfounded or however unjustified. It is only when the person beneath the politician is sought to be assailed, and his honour, integrity and veracity

is challenged and such a statement is false that is could be said that a false statement of fact about his personal character and conduct has been made; and once it is established that such a statement was made, the question whether there was malice or not is immaterial. In ascertaining the true nature of the statement made, the court will have to take into consideration all the surrounding circumstances including the occasion when it was published or made, the person against whom it was made, the person publishing it or making it, the audience or readers to whom it is addressed as also the precautions or care taken by the publisher to verify the truth or otherwise of the statement challenged".

By the alleged publication of the poster Ex. PW-5/A no doubt the respondent No. 1 or the Jana Sangh party who is the agent of the respondent No. 1 has tried to show that the Government of the day is not doing justice to the people of Kangra and it is discriminating against the people of Kangra inasmuch as the area of Kangra is ignored in the matter of development, etc. But thereby it cannot be said that the respondent No. 1 had tried to create a feeling of ill-will and hatred between the two communities or regions so as to prejudicially affect election chances of the petitioner. The petitioner as also the respondent No. 1 belong to the same region and the same caste and there was no question of creating any feeling of regionalism qua the petitioner and if anything was said or canvassed by the respondent No. 1 it was only a general statement to the effect that the area of Kangra has been ignored in all respects by the Congress party, and I think it is legitimate right of the candidate to criticise the Government of the day and the party and thereby if the petitioner's chances of success were affected that will not amount to any corrupt practice so as to fall within the mischief of sub-section (4) of Section 123 of the Act. I may also cite *Shrimati Sarla Devi w/o Dwarka Prasad vs. Briendra Singh s/o Beeni Singh and others* (A.I.R. 1961 Madhya Pradesh 127) it has been held that :—

"Any imputation against the workers of a political party, or the political party itself, cannot be taken to be an imputation in relation to the personal character or conduct of a candidate who belongs to that party".

In *Mohan Lla Vs. Trilochan Singh and others* (2E.L.R.41) where a pamphlet published by the members of the Socialist party stated that the petitioner represented the Congress party which was responsible for scarcity of grain, cloth etc. and that Marwadis represented capitalists who engaged in antisocial activities and exploitation of the masses; it has been held that :—

"That the publication did not amount to a corrupt practice within section 123 (5) or section 124 (5), of the Representation of the People Act, 1951, as it did not relate to the personal character or conduct of the petitioner and did not contain any appeal to vote or refrain from voting on the grounds of Caste, community or religion.

Similarly in *Krishna Ji Bhimra Antrolkar vs. Shankar Shantaram More and others* (7 E. L. R. 100) where a poster which was headed "For purification of the Congress" contained the following words, viz., "to eradicate goondaism defeat Dr. A" it was held :—

"That the statement did not relate to the personal conduct or character or the candidature of Dr. A and its publication did not amount to a corrupt practice under section 123 (5).

In *Madan Singh vs. Ladhu Ram Chaudhry and others* (11 E. L. R. 99) where a poster containing the caricature of a bearded Rajput whipping a tenant tied to a tree, under the orders of another bearded Rajput Sardar with a turban and wearing a typical Rajput achkan with a sword, while the tenant's wife was lying at the foot of the Sardar praying for mercy, was circulated in some constituencies, and the petitioner who was a Rajput Jagirdar contended that this amounted to publishing a false statement relating to his personal character and conduct within section 123 (5) of the Representation of the People Act, 1951, it was held:—

"that, as the caricature was of a typical Rajput and not of the petitioner personally, publication of the poster did not amount to a corrupt practice under Section 123 (5)."

In these circumstances the posters Ex. PW-4/A and Ex. PW-5/A do not at all relate to the personal character or conduct or candidature of the petitioner.

The further question is whether the statement is false and is also not believed to be true by the respondent No. 1. In fact when it does not relate to the personal character or conduct or candidature of the petitioner it is not necessary to determine this question. Nevertheless I may refer to the evidence in this behalf. Shri Jagdev Chand (RW-1) who is the President of the Himachal Pradesh Jana Sangh Party deposed that he also happened to go to the Khera constituency from where Shri Shanta Kumar was contesting the election. He also stated that the various slogans of the elections contested in 1972 in Kangra district was the economic disparity as also the discrimination done by the Government vis-a-vis the old area of Himachal Pradesh. He also stated that the ratio of population between the area of old Himachal Pradesh and the merged area must be 35 and 55 per cent. There were about 1500 or 1600 trained J. B. Ts. teachers in Kangra who were unemployed. These figures of unemployed teachers appeared in the news papers and that besides this he got information from the Employment Exchange also. Shri Durga Chand (PW-2) is a Jana Sangh M.L.A. from Sulah constituency in Tehsil Palampur. He supports the facts as mentioned in Ex. PW-4/A with regard to the employment of the J. B. T. trained teachers in Kangra and untrained matric teachers in the old Himachal Pradesh and he had got that knowledge because he had been visiting both the areas and he has also stated about the money spent in the old area of Himachal Pradesh as also in Kangra area on the construction of the Schools and hostels and he has also stated about the ratio between the population of old Himachal Pradesh and the new area, i.e. Kangra. From the statements of these witnesses coupled with the statement of the respondent No. 1 himself it is quite manifest that the statement of facts contained in the posters Exs. PW-4/A and PW-5/A are not false. It was for the petitioner to have first discharged the initial onus of the issue that the statements as contained in these two posters were false. But she did not go into the witness-box until the respondent No. 1 had closed his evidence. Although it was for the petitioner to have discharged the initial onus that the statements of facts as contained in these two documents were false. She should have come in the witness-box before the respondent examined

his evidence nor she cared to ask any question from any witness. If these statements of facts as contained in the documents were false she simply rest contented by asking her witnesses that the publication of these posters had adversely affected her prospects of success in the election without asking whether the statements were true or false. Therefore, in the absence of any evidence produced by the petitioner I have to rely on the statements of the witnesses produced by the respondent No. 1 and on his own statement with regard to the contents of the posters although there is no proof of the distribution of the same. Even if it may be admitted that they were distributed with the consent of the petitioner by the Bhartiya Jana Sangh which is the agent of the respondent No. 1 then in that case the contents contained therein cannot be said to be false rather believe them to be true and they are such which do not in any way amount to an attack on the personal character or conduct or candidature of the petitioner nor any feeling of hatred or enmity is created between the two regions from where the petitioner

and the respondent No. 1 were contesting the elections. It was an attack on the Congress Party of which however the petitioner also happened to be a member and a candidate but by the criticism levelled against the party it cannot be said that the petitioner can say that it amounted to a corrupt practice so as to fall within the purview of section 123 of the Act.

In the light of the above I, therefore, come to the irresistible conclusion that the petitioner has failed to prove this issue also and, therefore, the same is decided against the petitioner.

As all the issues are decided against the petitioner, therefore, the petition fails and is hereby dismissed with costs assessed at Rs. 1,000/- to be paid to respondent No. 1.

CHET RAM,
Judge.

May 31, 1974.

अनुपूरक

शून्य

